IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 30 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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UNION BANK OF INDIA

Versus

SHRI MAHENDRA N SHAH

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Appearance:

MR BHARAT B KANSARA for Petitioner

MR YOGESH S LAKHANI for Respondent No. 1

RULE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 09/03/2001

ORAL JUDGEMENT

This revision application is filed by the Union Bank against the order passed by the Civil Judge (S.D.), Porbandar, below Exhibit 13 in Special Civil Suit No.68 of 1986. By the impugned order, Special Civil Suit No.68

of 1986 is ordered to be stayed till the disposal of Special Civil Suit No.62 of 1986. The said order was passed under Section 10 of CPC. Mr.Dagli on behalf of Mr.Lakhani, however, states, as per the oral instructions from respondent No.1, that both the aforesaid suits are already disposed of and that the matter is already settled. Under these circumstances, now it is not necessary to adjudicate this Revision Application on its own merits. If the suits are already disposed of, now there is no question of deciding whether Section 10 of CPC is applicable or not. This C.R.A. has become infructuous and the same is required to be disposed of accordingly. However, liberty is reserved to the petitioner to apply to this Court in case it is found that the said instruction of the respondent No.1 is not correct or that the said suits are still pending.

Subject to the aforesaid liberty, this Revision Application is disposed of. Rule is discharged. Interim relief stands vacated.

( P.B. Majmudar, J. )

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(apj)